

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Gary Feinerman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 8163	DATE	2-15-2013
CASE TITLE	Nelson Vasquez (R-20423) vs. Tom Dart, et al.		

## DOCKET ENTRY TEXT

Plaintiff's application to proceed *in forma pauperis* ("IFP") [8] is granted. The trust fund officer at Plaintiff's place of confinement is authorized to deduct \$8.00 as an initial partial filing fee and to continue making deductions in accordance with this order. The Clerk shall send a copy of this order to the trust fund officer at Shawnee Correctional Center. The Clerk shall issue summonses for service of the complaint on Cook County Sheriff Tom Dart and Officer Martinez. The Marshals Service is appointed to serve summons on those defendants. Status hearing set for 4/18/2013 at 9:00 a.m.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff Nelson Vasquez, currently incarcerated at Shawnee Correctional Center, has responded to the court's orders directing him to show cause why his complaint should not be dismissed as untimely and to submit a completed *in forma pauperis* ("IFP") application. The complaint, whose well-pleaded factual allegations are assumed true at this stage, alleges that on April 7, 2010, Officer Martinez twice ignored Plaintiff's complaints that other inmates had threatened to attack him. Plaintiff was attacked later that day by several inmates using wood and steel canes, causing Plaintiff to suffer a broken knuckle. The complaint alleges that there is a custom or policy with not providing safety for inmates.

In response to the court's show cause order (Doc. 5), Plaintiff states that he filed grievances but received no response and that he unsuccessfully sought to learn Martinez's full name and badge number. Plaintiff's response to the show cause order suffices to allow the complaint proceed at this time.

The Clerk shall issue summonses for service of the complaint on Tom Dart and Officer Martinez. The U.S. Marshals Service is appointed to serve those defendants. The Marshals Service should send Plaintiff any service forms necessary for the Marshals Service to accomplish service. Plaintiff's failure to return those forms to the Marshals Service may result in the dismissal of unserved defendants. The Marshals Service shall make all reasonable efforts to serve the defendants. With respect to any former employee no longer at the work address provided by Plaintiff, Cook County Jail officials shall furnish the Marshal with the Defendant's last known address. The information shall be used only for purposes of effectuating service, or to show proof of service should a dispute arise, and shall neither be kept in the court's file nor released by the Marshals Service. The Marshals Service is authorized to mail requests for waiver of service to each defendant in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If a waiver of service is not obtained, the Marshals Service shall then attempt personal service.

The court grants Plaintiff's current motion to proceed IFP in this case. The trust fund officer at Plaintiff's place of confinement is authorized to deduct from Plaintiff's trust fund account, when adequate funds exist, \$8.00 as the initial partial filing fee. After forwarding that payment to the court, the trust fund officer shall collect

## STATEMENT

monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Collected monthly payments shall be forwarded to the clerk of court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action. Plaintiff shall remain responsible for this filing fee obligation, and Shawnee Correctional Center authorities shall notify transferee authorities of any outstanding balance owed by Plaintiff in the event he is transferred.

Plaintiff is instructed to file all future papers concerning this action with the Clerk of Court in care of the Prisoner Correspondent. Plaintiff must provide the Court with the original plus a complete judge's copy, including any exhibits, of every document filed. In addition, Plaintiff must send an exact copy of any filing to Defendants, or to their counsel if an attorney has entered an appearance on their behalf. Every document filed with the court must include a certificate of service stating to whom exact copies were mailed and the date of mailing. Any paper that is sent directly to a judge or that otherwise fails to comply with these instructions may be disregarded by the Court or returned to Plaintiff.